

CALIFORNIA CRIME LABORATORY REVIEW TASK FORCE

Minutes, February 7, 2008, Meeting

1300 I Street

Sacramento, California

Member Present: Dane Gillette (Chair) Barry Fisher (Vice Chair), Jennifer Friedman, Greg Matheson, Jennifer Mihalovich, Jim McLaughlin, Arturo Castro, Michael Burt, Robert Jarzen, Sam Lucia, William Thompson

Staff Present: Mike Chamberlain (DOJ - Staff Counsel), Colleen Higgins (DOJ-Notes), Lisa Talani (DOJ-Admin)

Public Present: Jeff Rodzen (CA Dept. Fish & Game), Clay Larson (CA Dept. Public Health), Kevin Davis (McLaughlin staff), Mike Vidmar (Carr staff), Tanisha Worthy (Jarzen staff) and Joseph Peterson (speaker).

The meeting was called to order at 10:30 a.m.

Minutes

The minutes of the January meeting, as revised, were approved by motion and vote.

Acquisition of ASCLD/LAB Audit Reports

The Task Force discussed the value of seeking final (not draft) ASCLD/LAB audit reports from subject laboratories. It was suggested that the information they provide could be an objective supplement to the self-reported survey data, and would contain no case-specific information. The audits may not add anything to the information-collection process, however. If the Task Force requests audit reports, laboratory directors should be advised that the reports will become public information.

The Task Force decided to continue this discussion at the March meeting after review of sample ASCLD/LAB audit reports from LASO and DOJ are disseminated.

Old Business

Announcement that the letters to agency heads and lab directors were mailed.

Survey

The Task Force discussed the draft Crime Laboratory Inventory and Survey and made page-by-page revisions. Mike Chamberlain will make the edits and the revised draft

survey will be circulated prior to the March 6, 2008, meeting in Los Angeles for further discussion.

Additional discussion took place regarding several suggested areas of inquiry in the survey, such as (1) whether laboratory policies and protocols conform to those suggested by the American Bar Association; (2) whether labs have written protocols for interpretation; (3) whether labs maintain and make quality assurance, quality control, corrective action and validation studies available to the public; (4) discovery “policies” and how much laboratory staff time is spent in court litigating discovery disputes. Given the controversial nature of these suggestions, William Thompson and Jennifer Friedman will draft questions regarding discovery and workload issues for dissemination to members and discussion at next meeting.

New Business

Mike Chamberlain will report on Frank Dolesji’s availability as speaker for April. He is the Chairperson of ASCLD/LAB, and a member of the Minnesota Forensic Science Advisory Board.

The new members of the Task Force were introduced: Arturo Castro for the California Judicial Council and Greg Matheson for California Police Chiefs Association. The request for a Governor’s appointment of Jeff Rodzen (Department of Fish and Game) and other task force appointments remain pending.

Speaker: Professor Joseph Peterson

Joseph Peterson is the Director of Criminal Justice and Criminalistics at the California State University, Los Angeles. He presented his findings regarding the national 2002 Bureau of Justice Statistics crime lab survey, and remained at the meeting to answer questions.

Among the issues Professor Peterson discussed were the following:

- Labs examine DNA, forensic crime scenes, medical evidence
- Need for standards in crime lab management data
- Identify objectives
- Examine survey methods
- Focus on: organization, budget, staff, workload, outsourcing, Quality control and quality assurance
- Definitions: What is a crime lab? What is a scientist? What is a request? How to calculate a “request?” How to communicate with law enforcement or investigating agencies? What is a backlog?
- Define and identify offender reference sample versus evidentiary sample versus database samples
- Identify resources needed for 30 day turn-around

- Utilize CD flash technology: respond directly to server; log onto website; 2/3 of returns were electronic
- Provide definitions and instructions, glossary of terms, budget, workload, outsourcing and census issues
- He concluded that there are no national standards, often estimates are used, terminology is not uniform; LIMS systems don't capture needed data; budgetary information problematic and all federal survey data is aggregate, maintaining anonymity of individual labs. The NIJ has recognized the Social Science of Forensic Science which identifies the role and impact of forensic evidence as a key decision point of the criminal justice system.

The Task Force thanks Professor Peterson for his informative and thorough presentation, which will greatly assist the Task Force in its mission.

Next Meeting

The March 6, 2008 meeting will be held in Los Angeles beginning at 10:30 a.m.

Location:

Los Angeles County Sheriff's Department Scientific Services Bureau
1800 Paseo Rancho Castilla
Los Angeles, CA 90032
(on the CSU LA campus)

For those interested, a lab tour will take place between 9:00-9:30 a.m., prior to the meeting.

Public Comment

Mr. Clay Larson, California Department of Public Health, commented on the absence of deliberation regarding the 2004 legislative review of chemical testing regarding crime labs by the Forensic Alcohol Review Committee. He note that

- one more independent oversight without regulatory power
- results not captured in surveys - what specific role does DOJ play?
- crime labs don't do any breath alcohol analysis
- trained operators - no sunset date
- new responsibility for crime lab

MEETING ADJOURNED at 3:30 P.M.